

REMARKS

Applicants appreciate the notification of allowable subject matter, i.e. that claims 79-82 are allowed and that claims 15 and 27 would be allowable if rewritten in independent form.

Applicants also appreciate the Examiner's renumbering of claims 79-82.

Claims 80-82 have been amended to correct dependencies in view of the claim renumbering, i.e. non-substantive amendments have been made. No new matter has been added by virtue of the amendments.

Claims 1, 4-9, 18-20, 22-26 and 47-69 were rejected under 35 U.S.C. 102(e) over Jagannathan et al. (U.S. Patent 6,136,498).

Claims 1, 4-14, 18-20, 22-26 and 47-78 were rejected under 35 U.S.C. 103 over Jagannathan et al. (U.S. Patent 6,136,498).

For the sake of brevity, the two rejections are addressed in combination. The rejections are each traversed.

As discussed in Applicants' prior response, a Rule 131 Declaration is of record, which antedates the Jagannathan et al. citation.

In accordance with the recommendation set forth in the Office Action, Applicants also submit herewith a Request for Declaration of Interference.

Applicants also disagree that Jagannathan et al. somehow presents a *prima facie* case under Section 103 with respect to Applicants' claims 10-14, 24, 27 and 70-78.

In particular, Applicants' independent claims 10 and 70 call for a polymeric dye that contains one or more polycyclic chromophores, said chromophore being selected from the group consisting of phenanthryl, acridine, quinolinyl and ring substituted quinolinyl.

Those chromophore groups are not disclosed in Jagannathan et al. Accordingly, the rejection is not proper and should be withdrawn with respect to those claims 10-14, 24, 27 and 70-78. See Section 2143.03 of the Manual of Patent Examining Procedure ("To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art.").

Jagannathan et al. does not disclose other aspects of Applicants' claimed invention.

For instance, Jagannathan et al. does not disclose the photoactive compounds recited in Applicants' claims 48, 49, 67 and 76.

Additionally, as noted in the attached Request for Declaration of Interference, Jagannathan et al. does not disclose a polymer weight average molecular weight of 5,000 as recited in Applicants' claims.

In view thereof, reconsideration and withdrawal of the rejections are requested.

Respectfully submitted,



Peter F. Corless (Reg. No. 38,360)
EDWARDS & ANGELL, LLP
P.O. Box 9169
Boston, MA 02209
Tel: (617) 439-4444
Fax: (617) 439-4170